

OPEN MEETING LAW REGULATION

PUBLIC HEARING

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90 Front Street
Worcester, Massachusetts 01608

Monday, August 9, 2010

PANEL:

From the Attorney General's Office
Britte McBride
Jonathan Sclarsic
Peter Sacks

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P R O C E E D I N G S

BRITTE MCBRIDE: We're going to get started. Good afternoon. My name is Britte McBride. I'm the Director of the Division of Open Government in the Attorney General's office. With me from the Attorney General's office are Peter Sacks, Deputy Chief of the Government Bureau. Margaret Hurlley, the Chief of the Central Massachusetts Office of the Attorney General who you may have seen coming in, and who I think is going to be joining us momentarily. And Jonathan Sclarsic, Assistant Attorney General for the Division of Open Government.

Today is Monday, August 9th. This is a public hearing to receive testimony on the Open Meeting Law regulations included at 940 CMR 29.00 as promulgated by the Attorney General. These regulations were promulgated as emergency regulations on July 1, 2010. This hearing is being held pursuant to Chapter 30A, Sections 2 and 3 of the General Laws, and under the authority granted to the Attorney General by Chapter 30A, Sections 25

1 (a) and (b) of the General Laws. The notice
2 for this hearing was published in the State
3 Register by the Secretary of State on July
4 23, 2010. The purpose of these regulations
5 is to interpret, enforce and effectuate
6 purposes of the Open Meeting Law Chapter 30A,
7 Sections 18 to 25 of the General Laws.

8 We are holding four public hearings.
9 The first hearing occurred in Boston on last
10 Thursday, August 5th. Today's hearing in
11 Worcester. A hearing tomorrow on Tuesday,
12 August 10th in Springfield, and a hearing on
13 Wednesday, August 11th in New Bedford.

14 The purpose of this hearing is to
15 receive comments on the emergency regulations
16 promulgated on July 1, 2010. We ask that you
17 limit the scope of your comments during this
18 hearing to the regulations before us. We are
19 eager to hear oral testimony from anyone who
20 wishes to speak. We ask that those who wish
21 to testify, sign up on the sheet at the front
22 of the room, which I think everyone has to
23 this point. We will call individuals to
24 testify in the order in which they have

1 signed up.

2 In order to ensure that everyone who
3 wishes to speak will be able to do so without
4 undue delay, we ask that you limit your oral
5 testimony to five minutes. And given that we
6 have I think a manageable crowd, if you want
7 to go beyond five minutes, I think in all
8 likelihood that will be waived. We have a
9 stenographer transcribing the testimony, so
10 we ask that you make your best effort to
11 speak clearly before you begin your
12 testimony. Please state and spell your name
13 so it is represented correctly in the record.

14 Finally, public comment on the Open
15 Meeting Law regulations will remain open
16 until August 18th. We will accept written
17 comments today during this hearing, and you
18 can submit those to Cristin Houlihan who is
19 sitting over at the table. You may also
20 submit written comments through the close of
21 the business on August 18th either through
22 e-mail to openmeeting@state.ma.us or through
23 postal mail to the Attorney General's office.

24 Additional information pertaining to

1 the Open Meeting Law, these regulations and
2 hearings may be found on the Attorney
3 General's website.

4 And with that I will call our first
5 individual to testify. And I apologize if I
6 butcher your name. Michael Szlosek?

7 MICHAEL SZLOSEK: Szlosek.

8 BRITTE MCBRIDE: Sorry.

9 MICHAEL SZLOSEK: My name is Michael
10 Szlosek, S-z-l-o-s-e-k. I'm the town manager
11 of Uxbridge. And I'm here to express my
12 concerns with the provision paragraph
13 29.032(a). That's the provision that
14 requires around the clock posting.

15 And this is, this is really going to be
16 very difficult for the town of Uxbridge. We
17 have been complying with this since it went
18 into effect by posting on the inside of our
19 handicap ramp, which is obviously open 24
20 hours and accessible to handicap persons, but
21 it's just a door. We post on the inside and
22 it works during the summer when there are a
23 limited number of meetings. We have to come
24 up with something different. In Uxbridge

1 that means either putting a bulletin level at
2 street level, which we know will be
3 vandalized. Or we will post it at the police
4 station. All of the things, all of the
5 options that we've been provided have costs.
6 And right now as, you know, the state is in
7 very difficult times. This 24-hour posting
8 does not appear to add anything and it has a
9 cost to us. That means we'll have to stop
10 doing things that do add value to do things
11 that don't add value. I know here that the
12 state has exempted itself from that
13 provision. It reasonably has said that
14 simply posting on a website is an adequate
15 way of dealing with 24-hour access. And we
16 are more than willing to do that. This has
17 been somewhat of a theme, and I know you said
18 not to get too far from these regulations,
19 but it's been a theme that this state has
20 exempted itself from regulations that you've
21 placed on cities and towns. We simply would
22 like to be treated the same way the state is
23 in this particular regulation and allow us to
24 use our website.

1 Web access is widely available. I
2 cannot imagine that posting 24 hours in a
3 police station is going to provide much
4 additional access to these meetings. We are
5 open evenings. We've made an attempt to give
6 access to our citizens by staying open until
7 seven o'clock on one evening a week. So it
8 would work for people who want to come in and
9 read the meeting notices, have access then.
10 Many cities and towns have done the same
11 thing.

12 So, that's what I have to say. That we
13 have concerns about this 24-hour posting. It
14 is a relatively high cost item for us given
15 our limited resources, and we ask that you
16 simply back off and give us those same, the
17 same option the state has, of posting on our
18 website.

19 Thank you.

20 BRITTE MCBRIDE: Thank you.

21 P. Baghdasarian?

22 PETER BAGHDASARIAN: I thought there
23 was a name between me.

24 BRITTE MCBRIDE: I think Ms. Heart

1 asked to speak later.

2 JO HART: Yes, I'd like to speak
3 later.

4 PETER BAGHDASARIAN: Thank you.
5 Peter Baghdasarian. You'll have to write
6 small, B-a-g-h-d-a-s-a-r-i-a-n. I'm a
7 Selectman from the Town of Uxbridge as was
8 Mr. Szlosek. I've been a Selectman for I
9 think -- I know, more than 15 years. I've
10 also been on the school committee and I'm
11 also currently on the Board of Health. The
12 -- a town of Uxbridge is a town of 12,000.
13 We have, I think, close to 60 multiple member
14 bodies, all of which are now going to be
15 subject to these reporting requirements,
16 posting requirements. Now, we do post all
17 those meetings currently and it takes up a
18 good part of the lobby of the Town Hall. To
19 provide sufficient posting to cover all those
20 meetings on an outside 24-hour basis, as Mike
21 Szlosek pointed out, is truly an onerous
22 thing, and one has to question what the value
23 added is. There comes a point where there is
24 so much information that's required to be

1 posted, people lose site of the things that
2 are going to be important to them.

3 There are only four or five boards in a
4 town that have affect, you know, affect many
5 people's lives; Zoning boards, Planning
6 boards, the Board of Selectmen, the Board of
7 Health and so forth. But the law covers
8 every board or committee. And I don't think
9 that's been properly taken into account. I
10 think it would be helpful for the AG's office
11 and perhaps also for some of the legislatures
12 if they would take a walk through town halls
13 in the Commonwealth and look at the number of
14 file cabinets, and the number grows
15 exponentially, and the amount of information
16 that we generate and are required to preserve
17 has reached a point where it is overwhelming
18 us. We can't find the things we need to find
19 because of the sheer volume of information.
20 And trying to keep track of all this
21 information and where it is is virtually
22 impossible. Unfortunately don't see any sign
23 that the people who write the laws under
24 which we have to operate are cognizant of any

1 of the real life effects.

2 In small towns people who are affected
3 by something, very quickly know what's
4 happening. And they're not -- their
5 information is not really enhanced by these
6 regulations. But the cost is going to be
7 borne by all the taxpayers. And, again, we
8 have to look at the cost. Everything we do
9 is part of the cost that our economy has to
10 bear. We're not a productive enterprise.
11 And that doesn't mean we're bad. It just
12 means that we are part of the cost. And that
13 cost is borne by the people of the
14 Commonwealth and of the country who are
15 productive, and that doesn't include us. So,
16 we need to reduce to the extent as possible
17 the costs of carrying out the mandates of
18 government.

19 Thank you.

20 BRITTE MCBRIDE: Thank you.

21 Bob Cutler.

22 BOB CUTLER: Good afternoon. Thank
23 you for your time. I'm here on behalf of the
24 Massachusetts Town Clerk's Association. I

1 believe that our President Theodora Eaton was
2 in on Friday and supplied you with a copy of
3 our statement. If you would like an
4 additional copy, I would be happy to leave
5 one with you. I'm also here with Pam Powell
6 from Bolton and Dottie Powers from Westwood.
7 I'm located in Foxboro. I'd like to
8 summarize a little bit just some of the items
9 that are listed on the letter that was
10 provided to you by Tedi Eaton.

11 Although the Mass. Town Clerk's
12 Association is supportive of the new Open
13 Meeting Law, there are a number of issues
14 that raise concerns for us. We support the
15 intent of the law and consider it admirable
16 and worthy of support. However, the demands
17 of the law may go far beyond its benefits.
18 Many requirements for the board and committee
19 operations, logistical requirements for
20 meetings, postings 24/7 and demands on staff
21 time and municipal storage space appear to be
22 counter-productive to the intended benefits
23 and represent a step backward to paper record
24 keeping that is inconsistent with today's

1 emphasis on electronic communications and
2 conservation of resources. While the clerks
3 are more than willing to comply with the Open
4 Meeting Law legislation, many of the demands
5 have created unintended consequences from
6 municipal governments, boards and committees
7 and to the offices of the municipal clerk be
8 it a small community or several thousand
9 whose clerk is open for business several
10 hours a week to one of the larger communities
11 who has a full-time clerk and multiple staff.
12 The clerks seek to assist the Attorney
13 General's office in resolving some of the
14 difficulties created by the legislation and
15 urge review of the following items:

16 The posting of the a 24/7 public
17 access. All meetings must now be posted at
18 least 48 hours prior to the meeting, not
19 including Saturday, Sundays and holidays.
20 This means that a clerk must post a Monday
21 meeting for a previous Thursday in order to
22 be in compliance.

23 Clerk's association encourage you to
24 revise the regulations on postings and

1 conclude that 24/7 availability of internet
2 posting is a reasonable and effective
3 solution to the legislative mandate for
4 expanding public access from paper postings
5 in a clerk's office only. Web-based
6 calendars distribute the information to the
7 public without having to go look at a
8 bulletin board in a single location. It
9 appears that the physical posting or
10 providing a terminal in another 24/7 site
11 location has little to transparency but
12 imposes significant cost to the
13 municipalities. In addition, accurate
14 updating of the materials on a physical
15 bulletin board can result in confusion if
16 materials are out of date or superseded by
17 revised postings. A web-based system allows
18 for timely and accurate updating of materials
19 either from the municipal office or in some
20 cases remotely.

21 Paper-based postings at multiple
22 locations require duplicative work by
23 communities and clerks. When a board
24 committee can e-mail a posting that can be

1 linked on a web calendar, the whole process
2 can take place in a matter of seconds.

3 In communities with many boards,
4 committees and citizen advisory boards the
5 burden of paper postings could be costly.
6 Use of modern means of communication with the
7 public increases the municipality's
8 effectiveness.

9 On the issue of agendas, all meeting
10 notices must contain the name of the
11 committee, date, time and location of the
12 meeting and an agenda or list of items that
13 the chair recently anticipates will be
14 discussed. And if per chance the agenda is
15 revised, it is strongly advised that the new
16 agenda be sent to the municipal clerk to be
17 posted within the 48-hour period before the
18 meeting. Posting agenda items at least 48
19 hours in advance of the meeting seems to be
20 the biggest challenges for the boards and
21 committees. In many respects the requirement
22 seems to be defeating the purpose of openness
23 and transparency in government. The
24 requirement that a meeting posting is not

1 official until the agenda is posted is
2 causing boards and committees to post agendas
3 that are less specific or accurate than if
4 the agendas were to be posted within a
5 shorter period of time. Agenda posting
6 requirements should be viewed more closely in
7 consideration given to the meeting desired
8 openness without sacrificing ability to
9 effectively conduct meetings.

10 Remote participation. The Open Meeting
11 Law says the Attorney General may by
12 regulation or letter ruling authorize remote
13 participation by members of a public body.
14 The statute and current regulations from
15 remote participation need clarification.

16 Meeting records and retention. This is
17 one of the areas that in my opinion is
18 very -- is going to be very difficult for
19 municipalities because of lack of storage
20 space and the costs involved in meeting this
21 requirement. In addition to the minutes of
22 every committee, the documents and exhibits
23 presented at the meeting are now to become
24 part of the official record and made

1 available to the public within ten days.
2 Many reports, charts, maps are submitted in
3 an electronic format. Others are submitted
4 in large poster type displays. Requiring all
5 boards to retain such documentation as part
6 of the meeting minutes will create a major
7 records retention space issue and exacerbate
8 already overcrowded storage space for many
9 municipalities.

10 I know in Foxboro alone we're already
11 overcrowded with very limited opportunity to
12 expand our storage space. So this creates a
13 huge problem for us.

14 And clarification is needed under the
15 complaint process. The Open Meeting Law
16 regulations state for the local public bodies
17 the Complainant shall file a complaint with
18 the municipal clerk. For all other public
19 bodies the Complainant shall file the
20 complaint with the chair of the relevant
21 public body. Under the publication Open
22 Meeting Law General Law Chapter 30A, Section
23 18 to 25, Section 23 it states that the
24 Complainant file a written complaint with the

1 public body. The filing of the complaints of
2 the municipal clerk in the first instance
3 imposes an intermediary step and puts the
4 burden of forwarding such complaints on the
5 clerk rather than the Complainant. Many
6 municipalities have multiple boards and
7 committees. The clerk is not equipped to be
8 the filing agent for the complaints. This
9 duty could imply the need to calendar and
10 track resolution of the matter or to
11 determine if the complaint has been
12 sufficiently filed. The statutory language
13 clearly states that the filing is to be with
14 the public body itself.

15 In conclusion, supporting the balance
16 of transparency of local government with
17 practicality of implementation. We thank you
18 for your time.

19 Thank you.

20 BRITTE MCBRIDE: Thank you. Tom
21 Manni ng. No?

22 J. D. Hart.

23 JO HART: Jo Hart, Worcester.
24 That's J-o H-a-r-t. Well, I have a whole

1 list of items, but first of all, I would like
2 to totally agree with everyone who spoke
3 about the postings. Even though I'm the most
4 violent person in Worcester wanting a posting
5 to do what most people would call like an
6 uninvited mandate to tell us what to do
7 without a way of doing it. And I know
8 Gardner was in the paper saying they put a
9 notebook in the police station. Well anybody
10 can rip out pages. And apparently here, even
11 though the -- through a glitch, the municipal
12 operation City Hall meeting that discussed
13 this was not posted. So I didn't go. And
14 they decided to put it in the police station.
15 And we have the most inaccessible police
16 station on earth. There's sort of like two
17 entrances, and you have to go all the way
18 through the parking lot and the entrance. I
19 wouldn't dream of going to the police station
20 for anything. So, that's of course to me
21 just like throwing it in the river. It's
22 totally useless.

23 So, I think unless somebody's going to
24 come up with a plan that suits everyone, and

1 I mean do the real work, hardware, you know,
2 or, you know, like whoever it was stabbed
3 something to the church door, you know, just
4 which I've said many times here, because
5 Worcester is significantly lacking in
6 information. We have a great city clerk,
7 that's not the point. While we don't have a
8 good newspaper, and of course that is the
9 point.

10 I have a friend who takes the State
11 House News and she has called me I think at
12 least three times for me to attend meetings
13 that were held in Worcester. That's the only
14 way I found out that they were here. And
15 that's a pitiful state of affairs. Really
16 pathetic.

17 We had a bizarre -- what I'm saying is,
18 though, I don't want to waste more time about
19 that because everybody talked about it. I
20 think you should have a hardware/software
21 meeting to figure out what to do. There's no
22 point in every single town reinventing all of
23 this. It would take everybody's, you know,
24 time and energy and everything. And it's a

1 total waste of time. I'm in favor of it.
2 Don't misunderstand me. I think it just has
3 to be worked out.

4 Worcester had a peculiar problem which
5 I think I did exactly the right thing, and I
6 had no response at all, so I'm now going to
7 address it in public. They had a new
8 cleaning crew and the City Hall was
9 physically locked a huge amount of times. I
10 mean, a lot of times. I missed an entire
11 City Council meeting because it was locked.
12 Granted I came a little late because I've
13 been in Boston, but still, at 7:30 you should
14 be able to get in. None of this was
15 addressed. Everybody knew about it because I
16 told them in the City Council meeting. I was
17 locked in. The iron gates were locked. It's
18 totally inexcusable. And no one did anything
19 about it.

20 The pool situation here, closing all
21 the pools, was a very hot button issue in
22 Worcester. There were countless meetings.
23 For one of the meetings at City Hall at least
24 ten people were turned away because the door

1 were locked at six o'clock. That is not
2 midnight. Six o'clock p.m. I got in because
3 I'm aggressive. I banged on the window.
4 It's ten after six a lot of people -- the
5 cleaning crew was still there so somebody let
6 me in. But somebody later told me later that
7 at least ten people did not go in.

8 What I did before this meeting, before
9 the pool meeting, I wrote -- I called the
10 District Attorney's office. I -- he, you
11 know, left me some messages, and he said of
12 course you may file a written complaint. At
13 this point things got worse, I wrote all of
14 this out. It took me a bit of time. I was
15 going to hand deliver it to three people here
16 in the Worcester, the Attorney General and
17 various assistants. Hand delivered it here
18 and faxed it to Martha Coakley twice. I have
19 never heard any reply from a human being.

20 So to have an open meeting law when you
21 have a closed City Hall and nobody cares, and
22 I mean people in government don't care,
23 that's beyond anybody's acceptance. That is
24 criminal basically.

1 The -- also another thing that the
2 regulations don't help us with here in
3 Worcester because it's perpetrated, they have
4 a purposeful way of adding items after the
5 agenda's finished. Now, I think short of an
6 emergency, fire, flood, ice, the agenda
7 should stay. You should not add items. They
8 do this so that it's like pulling rabbits out
9 of hats or they don't want anybody to know.
10 It's both a surprise element and a secret
11 element. It's quite plainly done on purpose.
12 Including big important issues like CSX which
13 obviously a lot of people would have come if
14 people knew about it. Of course nobody knew
15 that it was going to be discussed.
16 Apparently this plan is not going to address
17 that, and that's one of the worst problems we
18 have. They don't want anybody to know
19 anything here, and that's of course a major
20 problem. So posting all of the agendas and
21 then allowing them to bring up 10 or 15 items
22 at ten o'clock which they did with CSX. You
23 know, it doesn't help. That doesn't do
24 anything about the open meeting.

1 The -- also what about all the public
2 meetings in the state in a sense that affect
3 you? In other words, if there's a meeting in
4 Boston that affects transportation, I'm
5 violently interested in it. So I want to go.
6 But how do I find out about it without
7 subscribing to the State House News? I wish
8 there was a way to make also information
9 available across town lines. The website
10 only lists things if it's a public --
11 so-called public hearing. And there are very
12 few of those. There's a lot of meetings that
13 are not necessarily public hearings but turn
14 out to be that. You can go and you can
15 speak. But they're not going to be listed on
16 the city's website. So that again is a major
17 problem. I go to countless meetings and yet
18 all the meetings I go to, still a whole bunch
19 of things go under cover. And I shouldn't
20 have to do all this leg work. There should
21 be an easier way to do this.

22 What I would like to know, too, is
23 about the -- recording everything. I sent
24 Mr. Nasdor a comment sheet from the WRTA, not

1 a comment sheet but an agenda from the --
2 about local bus company. And it says public
3 meeting. Now these often are referred to as
4 quasi public agencies. But if it says public
5 meeting and public comment, I presume this
6 can be recorded. And so if I just explain
7 ahead of time that I'm recording this,
8 suppose they say no, you cannot do that,
9 what? Is there a recourse?

10 BRITTE MCBRIDE: I think if you're
11 asking the specific question, we're trying to
12 limit the testimony here to just what's
13 included in the regulations. We can
14 definitely have --

15 JO HART: Well, the regulations say
16 that you can record public meetings.

17 BRITTE MCBRIDE: And we can -- I
18 think we would be happy to deal with the
19 specific inquiry outside of this public
20 hearing.

21 JO HART: Okay, but it is part of
22 the regulation because I went to the other
23 meeting and it is listed.

24 BRITTE MCBRIDE: Right. But this is

1 a specific inquiry. So I think Jonathan and
2 I are happy to have a conversation with you
3 about the specific --

4 JO HART: No, but I mean I think
5 everybody here might want to know that, too,
6 because it affects all public meetings.

7 BRITTE MCBRIDE: Right. I mean we
8 have limited time to get the testimony, and
9 given that we don't have the facts right
10 before us, again, we're happy to have a
11 conversation with you.

12 JO HART: Okay.

13 I never have signed on to any state
14 register. What actually is it? Somebody
15 mentioned the State Register. I know the
16 State House News. Is it state's government?

17 BRITTE MCBRIDE: The Secretary of
18 State publishes the State Register which
19 includes the hearing, public hearing notices
20 for public bodies.

21 JO HART: How do you access that?

22 BRITTE MCBRIDE: It's online at the
23 Secretary of State's website.

24 JO HART: What is that?

1 BRITTE MCBRIDE: It's the official
2 publication for state public bodies to
3 publish their public hearings.

4 JO HART: Can you tell me afterwards
5 what it is then?

6 BRITTE MCBRIDE: Sure.

7 JO HART: Okay. Thank you.

8 BRITTE MCBRIDE: Tom Manning.

9 (No response).

10 Again, I'm going to apologize if I am
11 butchering names here. The town
12 administrator for West Boylston,
13 Mr. Drummond. Is that right?

14 LEON GAUMOND: I apologize I should
15 have wrote clearer on the sheet. My name is
16 Leon Gaumond, G-a-u-m-o-n-d. I am the town
17 administrator for the town of West Boylston.
18 And I appreciate the fact that you're having
19 this testimony gathering process. I want to
20 echo a lot of the comments that were made
21 prior, especially the ones from my colleague
22 from Uxbridge, Mr. Szlosek. He's a very well
23 spoken selectman on some of the problems that
24 exist within the new Open Meeting Law.

1 I'm going to speak just briefly about
2 those comments and a little bit more about
3 the topic that came from the Mass Clerk's
4 Association with regards to storage of
5 materials. Certainly in our town of West
6 Boylston we have no Town Hall. One of the
7 requirements for the 24-hour posting is that
8 it be in a prominent location available 24
9 hours a day, seven days a week. And
10 certainly in any small town there may be
11 public lands that you can do that on.
12 Unfortunately we have a very difficult
13 situation in West Boylston where we're
14 renting space. Affixing a bulletin board on
15 the side of a building that we don't own and
16 also making sure that it's lit so that people
17 can see it, and also available and displayed
18 in such a way that any person could view it
19 24 hours a day, seven days a week, is a
20 difficult requirement to meet. You know,
21 we're struggling with meeting that
22 requirement, and hopefully when the new --
23 I'm assuming new regulations will be coming
24 out from the Attorney General's office, some

1 of that will be clarified. I would like to
2 spend the bulk of my time, though, speaking
3 about the issue of the -- maintaining the
4 public records.

5 The clerk's association referenced
6 something that is probably for me even bigger
7 of a problem than the concerns raised about
8 the 24-hour posting. I run selectmen's
9 meetings twice a month, the first and third
10 Wednesdays of each month. And my agenda
11 packages are regularly in excess of about 80
12 pages long. I find it difficult to imagine
13 the scenario where the town clerk's records
14 are now going to have to include packages
15 above that size. Sometimes we receive things
16 in digital format. Sometimes we get giant
17 maps the size of this table. All of these
18 things now are part of that public record and
19 need to be maintained. The question comes
20 regularly from department managers and boards
21 and committees as to what are the record
22 retention of these documents for these now in
23 perpetuity these records. Now that we have
24 to keep these things forever, we can

1 reference documents in minutes, but the
2 question remains if we reference something in
3 minutes, and say these can be found in such
4 and such an office and we don't include it in
5 the public record of that meeting, do we now
6 need to keep these records and these
7 documents and these tapes and these videos,
8 these maps, reports? How long do we have to
9 keep these records? We are, as I mentioned
10 earlier, a town who doesn't really have a
11 home, a Town Hall. And storage is a problem
12 for most towns. Now I've been to a lot of
13 Town Halls in my life. Fortunately or
14 unfortunately I've been to a lot of Town
15 Halls. You go into the basements of some of
16 these buildings, you go down the hallways of
17 some of these buildings, you go into each and
18 every single office, file cabinets upon file
19 cabinets, everywhere you can look are file
20 cabinets. Even with the best retention and
21 destruction process that you have, you're
22 still required to keep an inordinate amount
23 of information. A lot of it is good by the
24 way that we should keep this stuff.

1 I think though that in the
2 clarifications that are going to hopefully
3 come forward, I'd like to see some sort of
4 recognition or addressing this issue in some
5 way, because we can be keeping football
6 fields full of documents that really are
7 never, ever going to be accessed once again,
8 you know.

9 Finally I'd just like to add in a
10 positive note if I could, in general I think
11 that the revisions to the Open Meeting Law
12 are well meaning. One of the things I think
13 that was the best change as a result of the
14 change in the Open Meeting Law was to put the
15 authority under the Attorney General's
16 office. And I don't say that with any
17 disparaging words against any District
18 Attorney throughout the Commonwealth. I just
19 think that consistency is important. In a
20 town administrator's world you may work in
21 different counties in your career and have to
22 abide by different interpretations of the
23 Open Meeting Law. I think that a consistency
24 here under the auspices of the Attorney

1 General 's office is actually a good reform
2 and I applaud the legislature to making that
3 change.

4 Thank you.

5 BRITTE MCBRIDE: Thank you.

6 Bob Farmer?

7 BOB FOURNIER: Thank you. My name
8 is Bob Fournier. I'm an environmental
9 consultant. I come from a different side of
10 the spectrum. I think that the Open Meeting
11 Law that you've proposed here is wonderful.
12 I'm a former career in law, decorated Marine
13 Corps veteran. I don't hear well. I was on
14 a couple of battleships and the hearing aid
15 won't help me. So, I have a problem hearing
16 good. But I've been in business for about 55
17 years doing environmental investigations for
18 dams, Title 5, hazardous waste, and it's been
19 really difficult at these open meetings
20 trying to get information and trying to get
21 these smaller towns to understand the laws
22 and how they work. And some towns will post
23 a the meeting in Spencer and the meeting
24 place will be in Leicester. And they'll give

1 the number of the street, it will be a
2 Deacon's house. And then they have an
3 appropriation to raise \$2.3 million to fix a
4 high risk dam that will kill people and
5 nobody shows because nobody knows where the
6 meeting is.

7 I think this is wonderful. I like you
8 to change every word in here instead of will
9 to shall so that there's accountability. And
10 when you go to sue people for not doing
11 things properly, someone has to be
12 accountable and responsible. And that's what
13 this is all about to me. I feel bad for
14 these towns that don't have the money and the
15 places to file and the people to do it. But
16 there's got to be a balance. People have the
17 right to be represented.

18 The other big problem I have, a lot of
19 times I'll go get information from dam safety
20 about a high risk dam. I'm talking about
21 dams a hundred yards long, 50 feet wide that
22 will kill 5 to 600 people if they break. And
23 I have problems with open meetings trying to
24 get public records, and they'll take a break

1 at the meeting and they'll go outside and
2 they'll talk about all the business they want
3 to conduct and how they're going to conduct
4 it. And then they'll come back in and it's
5 all cut and dry. You don't have an
6 opportunity in the Democratic process to be
7 able to hear the dialogue, the collaboration.
8 The right isn't there for not only me, it's
9 not my personal issue. I get the information
10 to make an engineering judgment to define a
11 finer situation to represent people. It's
12 not for me, it's for the work I do. But, I
13 think it's a wonderful thing. I think you
14 should have more of these hearings. And I
15 think there should be something in here to
16 train the people in the Town Halls on how the
17 public meeting law works, especially the
18 public record law and access to public
19 records. But the Open Meeting Law, is
20 certainly the beginning because that's where
21 it starts.

22 And I thank you very much for you
23 having the meeting and I'd like to attend any
24 other one that you do have.

1 BRITTE MCBRIDE: Stan Kulesza.

2 STAN KULESZA: Thank you. You did
3 an excellent job pronouncing my name. It's a
4 difficult name to start with. I'm here today
5 because I have a concern that overhearing
6 some of the complaints in the distance from
7 the town I live in, in the town of Spencer,
8 this is going to be a costly venture for the
9 towns. And I can see that in one regard.
10 But another regard, I don't hear any comments
11 from them where they're ready to jump in and
12 utilize advanced technology. I think the
13 towns themselves don't have very much footing
14 to stand on if they're going to start
15 complaining about this, and not in the same
16 light say we are pretty much up to date in
17 computer technology, in the technology of the
18 day. This alone I think, and that
19 availability of that technology in the
20 individual towns, I think will solve a lot of
21 the questions they have. I think the towns
22 just have to step forward. Any change is
23 difficult. And I think we all know from
24 dealing in town halls that are antiquated,

1 not just in their physical appearances, but
2 also in the way they do things. That this is
3 a very much of a good thing and the towns
4 just need and I think to step forward. Not
5 in a day, not in a week, not in a year, but
6 they have to make movement in that direction
7 because this is the way we're going. And
8 from my own personal experience and where I
9 work, computer technology and advanced
10 technology was a little slow to coming with
11 the people that were engrained in not doing
12 things that way. So my recommendation from
13 the Attorney General's aspect of looking at
14 this would be to somehow standardize a
15 computerized system and to give leadership
16 and direction before you just dump this on
17 the towns and the town people.

18 The other thing that comes to mind is
19 the funding for this. I don't know how much
20 pressure the Attorney General can put on the
21 legislature, but there has to be some
22 assistance in terms of funding along those
23 lines, too. Because right now in the near
24 future I think the towns are still going to

1 be hurting for money.

2 I'd like to thank you for your time.

3 BRITTE MCBRIDE: Thank you.

4 Greg Buxton (phonetic)?

5 (No response).

6 BRITTE MCBRIDE: Would anyone else
7 like to testify at this time?

8 JOAN WORDELL: My name is Joan
9 Wordell. I'm a town clerk for Hudson and I
10 want to reiterate a few things that I already
11 heard.

12 BRITTE MCBRIDE: Would you mind just
13 spelling your last name for the stenographer.

14 JOAN WORDELL: W-o-r-d-e-l-l.

15 As the town clerk we're obligated to
16 post the notices that we're given. It's a
17 lot of work. We don't mind doing it, but we
18 just need clarification on the regional
19 boards. How far does that go and
20 specifically what do they have to do so we
21 post it so we're not like clogging the
22 calendar with information that's not needed.

23 As far as minutes and the documents
24 that are required, we reiterate that storage

1 is something that is very limited. If we
2 have a retention period for the items that
3 aren't placed or used, you know, like for a
4 building a school or anything like that, then
5 you know, the retention period to eliminate
6 storing them forever, because if they're part
7 of the minutes, it's a permanent document.
8 So I just want to reiterate that trying to
9 find all these documents and limited space
10 will cost the towns a lot of money. And if
11 we're not using it for a building, you know,
12 after a few years those companies usually go
13 away, and then the articles that were
14 presented to them are probably not of
15 importance. I just want to reiterate that.

16 I think the idea that we have to post
17 all of them in different locations, it's
18 difficult. We live in a historic district.
19 So just to post something out on a front wall
20 is something we'd have to go through historic
21 district. And for all the meetings, they
22 would be huge. So we did the alternative
23 method, posting it on our website and posting
24 it at the police station. I'm not sure that,

1 you know, people would be able to get to the
2 police station who do not get on to the
3 website. But we are doing that.

4 So just a little clarification on the
5 regional boards. Exactly which boards we
6 need to post. And just stating that
7 retention periods on the documents of the
8 minutes that we have to keep.

9 Thank you for your time.

10 BRITTE MCBRIDE: Thank you.

11 Anyone else care to testify?

12 DAWN MICHANOWICZ: Yes.

13 BRITTE MCBRIDE: Could you please
14 state and spell your name for the
15 stenographer?

16 DAWN MICHANOWICZ: Sure. Good
17 afternoon. I'm Dawn Michanowicz Town Clerk
18 the Sterling. That's M-i-c-h-a-n-o-w-i-c-z.
19 Much of what's been said today, and I'm sure
20 some of the other hearings that you've heard
21 have already reiterated some of our points.
22 And we certainly want to say we appreciate
23 you taking the time to listen to us. As town
24 clerk, a lot of us are really inundated with

1 so much paperwork that one of the things I'd
2 like to say for our town and possibly for
3 other clerks is if we can really utilize the
4 internet, you know, get the advanced
5 technology so that we can upload these
6 agendas, meeting postings to our calendars,
7 to the web calendar, and make this take just
8 a few seconds rather than requiring us to
9 retain so much paper.

10 We also have a problem with records
11 retention in Sterling. So it's -- I think
12 it's an issue all over the state.

13 The other request I think I just would
14 like to make, and I'm sure it's already been
15 made before, but again emphasize a
16 standardized template so that there's
17 consistency. So that when the public does
18 come in to look for an agenda for something,
19 they can go through all the towns or cities
20 and find a simplified version that's standard
21 throughout.

22 That's all I have to say. Thank you.

23 BRITTE MCBRIDE: Thank you.

24 Anyone else care to testify?

1 (No response.)

2 BRITTE MCBRIDE: Public comment is
3 open until August 18th. We encourage
4 everyone to submit their comments, please, to
5 the Attorney General's office to the Division
6 of Open Government. If there is no further
7 testimony at this point in time, we will
8 close this hearing and look forward to
9 receiving your comments in writing.

10 Thank you.

11 (Hearing Concluded 1:50 p.m.)

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

I, Catherine Lawson Zelinski, a
Certified Shorthand Reporter, the undersigned
Notary Public, certify that:

I am not related to any of the parties
in this matter by blood or marriage and that
I am in no way interested in the outcome of
this matter.

I further certify that the testimony
hereinbefore set forth is a true and accurate
transcription of my stenographic notes to the
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IN WITNESS WHEREOF, I have hereunto set
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Catherine L. Zelinski
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